

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NAK P. SUNG, and SUN J. SUNG, husband
and wife,

No.

Plaintiffs,

v.

MIGUEL ALFARO, and US XPRESS, INC.,

Defendants.

NOTICE OF REMOVAL

AND NOW, come the Defendants, Miguel Alfaro, and US Xpress, Inc., by and through their attorneys, Dickie, McCamey & Chilcote, P.C., and pursuant to 28 U.S.C. §1441 et seq., respectfully request that this matter be transferred from the Court of Common Pleas of Beaver County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania, and respectfully represents as follows:

1. A civil action styled *Nak P. Sung, and Sun J. Sung, husband and wife, Plaintiffs, v. Miguel Alfaro, and US Xpress, Inc., Defendants*, was commenced in the Court of Common Pleas of Beaver County, PA by Complaint filed on June 25, 2020 and docketed at No. 2020-10598, attached hereto as **Exhibit A**. An Initial Case Management Conference Order was filed on June 25, 2020, attached hereto as **Exhibit B**.

2. Plaintiffs allege that they sustained injuries resulting from an incident involving a motor vehicle accident on June 27, 2018 on I-76 in Beaver County, PA.

3. The action involves a controversy between citizens of different states, as per the Complaint:

a. Plaintiffs are residents of Broadview Heights, Cuyahoga County, Ohio; and

b. Defendant Miguel Alfaro is a resident of Lorton, Fairfax County, Virginia, and US Xpress, Inc. is a corporation located in the State of Tennessee, Hamilton County.

4. This action is one in which the District Courts of the United States possess original jurisdiction under 28 U.S.C. §1332; upon information and belief, complete diversity existed among Plaintiffs and Defendants at the time the Complaint was filed and at the time of removal and, upon information and belief, Plaintiffs allege injuries and damages which can exceed the sum or value of \$75,000.00, exclusive of interest and costs.

5. This Notice of Removal is filed within 30 days after counsel for Defendants, Miguel Alfaro, and US Xpress, Inc, received Plaintiffs' Complaint (filed on June 25, 2020 and received on July 8, 2020), which was the first paper from which it was first ascertained that this action is one which is removable.

6. Written notice of the filing of this Notice of Removal will be promptly served upon counsel for Plaintiffs after the filing of the Notice with the United States District Court for the Western District of Pennsylvania, as is required by law.

7. A true and correct copy of this Notice of Removal will be filed with the Prothonotary of the Court of Common Pleas of Beaver County, Pennsylvania, promptly after the filing of the Notice with the United States District Court for the Western District of Pennsylvania, as is required by law. The Notice of Removal to be filed in the Beaver County Court of Common Pleas is attached here as **Exhibit C**.

8. By filing this Notice of Removal, Defendants do not waive any defense which may be available to these parties, including jurisdiction.

9. WHEREFORE, Defendants, Miguel Alfaro, and US Xpress, Inc, respectfully request that this Honorable Court assume subject matter jurisdiction over this action on the diversity jurisdiction grounds set forth in this Notice of Removal.

JURY TRIAL DEMANDED.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: s/Edward M. Vavro, Jr.
Edward M. Vavro, Jr., Esquire
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
Counsel for Defendants, Miguel Alfaro,
and US Xpress, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and copy of the foregoing Notice of Removal was served
this 14th day of July, 2020, by electronic delivery upon the following:

Jonathan M. Stewart, Esquire
Patrick W. Murray, Esquire
Stewart, Murray & Associates Law Group, LLC
114 Smithfield Street
Pittsburgh, PA 15222
pmurray@smalawgroup.com
Counsel for Plaintiffs

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By: s/Edward M. Vavro, Jr.

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Counsel for Defendants, Miguel Alfaro, and
US Xpress, Inc.